

REMARKS

I. Examiner Interview

A telephonic examiner interview was conducted on February 5, 2009 and was attended by counsel for applicant, Rob L. Phillips, examiner Kang Hu, and supervisor, Robert Pezzuto. During the interview it was agreed that, assuming the section 112 rejection were addressed, claim amendments relative to the loading and unloading of passengers while the apparatus continues in motion would overcome the reference to Newman. As set forth below, applicant has undertaken such amendments and contends that the section 112 rejections have been overcome and that the claims as amended are allowable over the reference to Newman and any prior art the examiner may locate.

II. 35 U.S.C. §112

Claims 1-4, 18-21 and 35-37 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 5-17, 22-31 and 38 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. For the reasons set forth below, applicant overcomes this section 112 rejection.

Applicant has amended independent claims 1, 5, 18, 22 and 29 to more clearly recite the invention and overcome the technical deficiencies noted by the examiner. Independent claim 38 has been canceled. If the amendments to the independent claims overcome the section 112 rejections, then any dependent claims rejected hereunder are similarly acceptable.

III. 35 U.S.C. §102

Claims 29, 30, 32, 3 and 38 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,988,951 to Newman et al. For the reasons set forth below, applicant overcomes this section 102 rejection.

“Anticipation requires the disclosure in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)).

Applicant has amended independent claims 1, 5, 18, 22, 29 and 32 to more clearly recite the configuration of the apparatus and steps of the method. Specifically, the independent claims now recite the clutch structures which allow unloading and loading of passengers while certain passenger units continue rotating. Newman does not show an such ability to unload and load passengers while the apparatus continues rotating. That is, the Newman apparatus requires a complete stoppage to safely unload and load passengers.

Consequently, as Newman fails to disclose any clutch structures, Newman cannot anticipate the amended independent claims or their dependent claims.

IV. 35 U.S.C. §103

Claim 34 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Newman et al. in view of the examiner's official notice. For the reasons set forth below, applicant overcomes this section 103 rejection.

Applicant incorporates herein by reference the section 102 arguments from above.

For the foregoing reasons, Newman does not render any pending claims obvious.

V. Conclusion

It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By: _____

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